

REMARKS

Applicants appreciate the consideration of the present application afforded by the Examiner. Claims 20-37 were pending prior to the Office Action. Claims 32-37 were previously withdrawn from consideration. Claims 38-39 have been added through this Reply. Therefore, claims 20-39 are pending. Claim 20 is independent. Favorable reconsideration and allowance of the present application are respectfully requested in view of the following remarks.

Claim Rejections - 35 U.S.C. §103(a)

Claims 20-31 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over U.S. Patent No. 6,734,910 to Yumoto et al. ("Yumoto") in view of U.S. Patent No. 6,549,232 to Taniguchi et al. ("Taniguchi"). As applied to the amended claims, Applicants submit the Examiner has failed to establish a *prima facie* case of obviousness and traverse the rejection.

For a 35 U.S.C. § 103 rejection to be proper, a *prima facie* case of obviousness must be established. *See M.P.E.P. 2142*. One requirement to establish *prima facie* case of obviousness is that the prior art references, when combined, must teach or suggest all claim limitations. *See M.P.E.P. 2142; M.P.E.P. 706.02(j)*. Thus, if the cited references fail to teach or suggest one or more elements, then the rejection is improper and must be withdrawn.

As amended, independent claim 20 recites, *inter alia*, a controller operative in response to said selecting device for outputting the control signal to cause said image sensor to pick up the scene at preselected intervals and for controlling said recording device, wherein said controller sets a period of time corresponding to a photometric value as the preselected intervals. Furthermore, said recording device records latest ones of a plurality of frames of image signals picked up at the preselected intervals while sequentially updating said plurality of latest frames of image signals.

Firstly, all traversal arguments made in previous Replies to previous Office Actions are maintained.

Additionally, the Examiner contends that Yumoto teaches recording images captured by the image sensor at predetermined intervals, and that Yumoto teaches an overwriting operation

for cyclically storing the image data (see Office Action, page 4, and Yumoto, col. 7, lines 13-45). However, Yumoto in no way discloses or suggests a controller which sets said predetermined interval to be a period of time corresponding to a photometric value.

In this instance, the combination of Yumoto and Taniguchi fails to teach or suggest each and every limitation of claim 20. As demonstrated above, Yumoto fails to teach or suggest "wherein said controller sets a period of time corresponding to a photometric value as the preselected intervals" as recited in claim 20. Taniguchi has not been, and indeed cannot be, relied upon to correct at least this deficiency of Yumoto. Claims 21-31 depend from claim 20, directly or indirectly. Therefore, for at least the reasons stated with respect to claim 20, claims 21-31 are also distinguishable from the prior art.

Therefore, Applicants submit that claims 21-31 are patentable over the prior art and respectfully request that the rejection of said claims under §103(a) be withdrawn.

Claims Withdrawn from Consideration

Claims 32-37, variously dependent upon claim 20, have been withdrawn from consideration as being directed to the non-elected species. Upon allowance of claim 20, the Examiner is respectfully requested to allow claims 32-37.

New Claims

Newly added claims 38-39 variously depend from claim 20 and are allowable at least for their dependency on claim 20. No new matter has been introduced by the new claims.

CONCLUSION

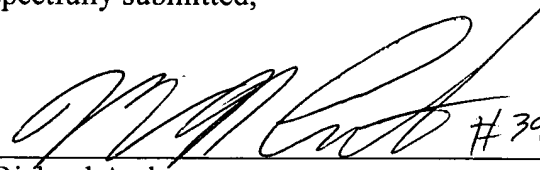
All objections and rejections raised in the Office Action having been addressed, it is respectfully submitted that the present application is in condition for allowance. Notice of same is earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact D. Richard Anderson (Reg. No. 40,439) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or to credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

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Respectfully submitted,

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